

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

DENNIS HERULA : BK No. 02-14346
Debtor : Chapter 7
:
RENE MAROTEN, :
STEWART F. GROSSMAN, TRUSTEE :
Plaintiffs :
v. : A.P. No. 04-1029

IRAJ SAFAPOUR and :
PAUL GROTHE :
Defendants :
- - - - -X

ORDER GRANTING DEFENDANT GROTHE'S MOTION FOR ABSTENTION

APPEARANCES:

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BEFORE ARTHUR N. VOTOLATO, United States Bankruptcy Judge

Heard on September 29, 2004, on the Defendant Paul Grothe's Motion to Dismiss or Abstain and the Objection of the Plaintiff, Rene Maroten. For the reasons argued by the Defendant, I find that permissive abstention is appropriate as to the claims of Plaintiff Maroten pursuant to 28 U.S.C. § 1335(c)(1). The Defendant's Motion to Dismiss is DENIED and his request for abstention is GRANTED. Should the Defendant prevail in the state court litigation and if Maroten raises claims for indemnification against the estate or the Trustee, the parties are ordered to return to this Court to litigate any indemnification claims.

Dated at Providence, Rhode Island, this 4th day of October, 2004.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket 10/4/2004